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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,902	11/18/2003	Timothy D. Strecker	10004251-3	7060

7590 11/02/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

NICOLAS, FREDERICK C

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,902

Applicant(s)

STRECKER, TIMOTHY D.

Examiner

Frederick C. Nicolas

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16,17 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) 37 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16,34-36 and 38 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☒ Claim(s) 16,17 and 34-39 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/18/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of species E covering claims 16-17,34-36,38 in the reply filed on 9/7/2004 and supplemental response filed on 9/13/2004 is acknowledged. The traversal is on the ground(s) that the Examiner has neither indicated nor has given any arguments as to why prosecution of claims 36 and 37 presents any serious burden as required. This is not found persuasive because the two species (6a-6c and 7a-7b) of claimed invention are clearly not related in terms of their modes of operation. For example, in the elected species of Figures 6a-6c, the chamber requires at least two cylindrical bores which are partly overlapping. On the other hand, in the species of Figures 7a-7b, the chamber requires two non-overlapping cylindrical bores. Clearly, there exist unrelated features among the species of claimed invention, which will require a separate search area for each species and thus, impose a burden in search and examination for the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 37 and 39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 9/7/2004 and 9/13/2004.

Preliminary Amendment

3. The preliminary amendment filed on 11/18/2003 has been entered.

Priority

4. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 34-38, 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Suto et al. 6,211,267.

Suto et al. disclose a method of dispensing a viscoelastic liquid from a dispensing apparatus as seen in Figure 1, which comprising introducing a first component viscoelastic liquid to a first feed screw disposed within a chamber (12), introducing a second component viscoelastic liquid to a second feed screw disposed within the chamber (col. 2, ll. 16-33), counter rotating the first and second feed screws a

pre-selected amount, mixing the first and second component viscoelastic liquids forming a viscoelastic liquid product and dispensing a measured amount of the viscoelastic liquid product (col. 2, ll. 27-67 onto col. 3, ll. 1-55), a drive mechanism (13).

Allowable Subject Matter

7. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose or render obvious a dispensing apparatus capable of delivering precise quantities in combination with the other claimed limitations of claim 17:

"wherein the at least two feed screws further comprise helical threads having a variable pitch that decreases as the helical threads approach the bottom portion of the chamber".

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kowalczyk et al. Huber et al. 6,550,959, Higuchi et al. 4,474,473, Sato 5,800,055, Behrends et al. 3,420,180, Tynan 5,505,591, Huber et al. 6,588,928 B2, Huber et al. 6,616,320, Zehle et al. 5,487,605, Hjelte 3,064,908, Campbell 4,517,212, Haug et al. 3,203,370, Strecker 6,386,396, Strecker 6,691,895, Gustairs 4,034,967 and Hunchar et al. 5,713,209 disclose other types of dispensing apparatus.


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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (703)-305-6385. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y Mar, can be reached on 703-308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
November 1, 2004

 11/1/04
Frederick C. Nicolas
Patent Examiner
Art Unit 3754